

Message Text

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FM AMEMBASSY LUSAKA

TO SECSTATE WASHDC PRIORITY 4473

C O N F I D E N T I A L LUSAKA 3053

E.O. 11652: GDS

TAGS: SHUM EAID ZA

SUBJ: DRAFT HUMAN RIGHTS OBSERVANCE REPORT - ZAMBIA

REF: STATE 263401

1. THE EMBASSY PROPOSES THE FOLLOWING UPDATING OF THE DRAFT HUMAN RIGHTS OBSERVANCE REPORT FOR ZAMBIA (REFTEL). IN SECTION II - LEGAL SITUATION, THE SECTION DEALING WITH SUSPENSION OF CONSTITUTIONAL RIGHTS UNDER ARTICLE 26 MIGHT BE REVISED TO READ: ARTICLES 26 AND 30 OF THE CONSTITUTION PROVIDE FOR THE SUSPENSION OF MOST CONSTITUTIONAL PROTECTIONS DURING A TIME OF WAR, OR WHEN A STATE OF EMERGENCY, OR A THREATENED EMERGENCY HAS BEEN DECLARED BY THE PRESIDENT. A MODIFIED STATE OF EMERGENCY IS CONSIDERED TO HAVE BEEN IN EFFECT SINCE 1965 AND A FULL STATE OF EMERGENCY WAS DECLARED BY PRESIDENT KAUNDA ON JANUARY 28, 1976 BRINGING INTO FORCE ARTICLE 26. THIS FULL STATE OF EMERGENCY REMAINS IN EFFECT.

IN SECTION III - PART A. INTEGRITY OF THE PERSON, THE FOLLOWING SENTENCES SHOULD BE ADDED AT THE END OF THE PARAGRAPH. IN MID-OCTOBER 1976 THE GOVERNMENT OF ZAMBIA RELEASED MANY OF THE DETAINED ZANU CADRE. ON OCT 20 THE THREE MEN SPECIFICALLY CHARGED WITH THE ASSASSINATION WERE FREED. THE PROSECUTION'S CASE AGAINST THE ACCUSED WAS WITHDRAWN WHEN THE PRESIDING JUDGE RULED ONE OF THE DEFENDANT'S CONFESSION WAS CONFIDENTIAL

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INADMISSABLE BECAUSE IT WAS OBTAINED UNDER DURESS.

2. IN THE EMBASSY'S VIEW THE DRAFT REPORT, AS WRITTEN
WITH THE SUGGESTED UPDATING, REPRESENTS A VALID,
OVERALL ASSESSMENT OF THE CURRENT STATUS OF HUMAN
RIGHTS IN ZAMBIA AND FULFILLS THE REQUIREMENTS OF
SECTION 502(B) OF THE FOREIGN ASSISTANCE ACT OF 1961
AS AMENDED. LOW

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